

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

DIANA BONACASA, *et al.*,

Plaintiffs,

v.

STANDARD CHARTERED PLC, *et al.*,

Defendants.

No. 1:22-cv-03320 (ER) (OTW)

JURY TRIAL DEMANDED

MARIBEL MOORE, *et al.*,

Plaintiffs,

v.

STANDARD CHARTERED PLC, *et al.*,

Defendants.

No. 1:23-cv-02834 (ER) (OTW)

JURY TRIAL DEMANDED

THOMAS SMEDINGHOFF for the estate
of ANNE T. SMEDINGHOFF, *et al.*,

Plaintiffs,

v.

STANDARD CHARTERED BANK,

Defendant.

No. 1:23-cv-02865 (ER) (OTW)

JURY TRIAL DEMANDED

**[STIPULATION AND PROPOSED]
FIFTH AMENDED CIVIL CASE MANAGEMENT PLAN
AND PRETRIAL SCHEDULING ORDER**

WHEREAS, on May 8, 2023, the Court entered a Civil Case Management Plan and Pretrial Scheduling Order (“Scheduling Order”), pursuant to Fed. R. Civ. P. 16 and 26(f) (*Bonacasa*, Dkt. No. 52), governing pretrial proceedings in the above-referenced *Bonacasa*, *Moore*, and *Smedinghoff* actions;

WHEREAS, on December 26, 2023, the Court entered a First Amended Civil Case Management Plan and Pretrial Scheduling Order, pursuant to Fed. R. Civ. P. 16 and 26(f)

(*Bonacasa*, Dkt. No. 75), governing pretrial proceedings in the above-referenced *Bonacasa*, *Moore*, and *Smedinghoff* actions;

WHEREAS, on August 2, 2024, the Court entered a Second Amended Civil Case Management Plan and Pretrial Scheduling Order, pursuant to Fed. R. Civ. P. 16 and 26(f) (*Bonacasa*, Dkt. No. 82), governing pretrial proceedings in the above-referenced *Bonacasa*, *Moore*, and *Smedinghoff* actions;

WHEREAS, on November 6, 2024, the Court entered a Third Amended Civil Case Management Plan and Pretrial Scheduling Order, pursuant to Fed. R. Civ. P. 16 and 26(f) (*Bonacasa*, Dkt. No. 96), governing pretrial proceedings in the above-referenced *Bonacasa*, *Moore*, and *Smedinghoff* actions;

WHEREAS, on February 4, 2025, the Court entered a Fourth Amended Civil Case Management Plan and Pretrial Scheduling Order, pursuant to Fed. R. Civ. P. 16 and 26(f) (*Bonacasa*, Dkt. No. 137), governing pretrial proceedings in the above-referenced *Bonacasa*, *Moore*, and *Smedinghoff* actions;

WHEREAS, on February 7, 2025, the parties completed document productions in response to party requests for production.

WHEREAS, the parties have coordinated discovery in the *Bonacasa*, *Moore*, and *Smedinghoff* actions, have produced documents, have issued subpoenas to government entities and other nonparties, have taken numerous depositions of fact witnesses, and have begun providing testimony pursuant to a Fed. R. Civ. P. 30(b)(6) notice;

WHEREAS, the parties have subpoenaed documents and testimony from several nonparties, including United States government agencies, which remain pending;

WHEREAS, the Defense Threat Reduction Agency has represented that it substantially completed its production of documents responsive to the parties' requests on May 30, 2025, and the government has represented that it expects productions from certain other government agencies or components will be made in June 2025;

WHEREAS, the U.S. Department of Commerce expects to complete its production of documents responsive to SCB's requests upon entry of and/or designation pursuant to an appropriate protective order;

WHEREAS, U.S. Central Command has not yet completed its production of documents responsive to Plaintiffs' requests, and the government has represented that U.S. Central Command expects to complete its production of documents responsive to Plaintiffs' requests by June 2025;

WHEREAS, U.S. Army Central has not yet completed its production of documents in response to Plaintiffs' requests, and the government has represented that U.S. Army Central continues to process records in accordance with the parties' stipulation (*Smedinghoff*, Dkt. No. 90, ¶ 9), and based upon current estimates, expects to complete production of documents responsive

to Plaintiffs' requests by the end of February 2026, assuming no additional responsive records are located;

WHEREAS, Plaintiffs' requests to the National Ground Intelligence Center are being held in abeyance "pending the completion of productions by the other DoD components" (*Smedinghoff*, Dkt. No. 90, ¶ 5);

WHEREAS, Plaintiffs have the right to request supplemental searches from the Defense Threat Reduction Agency and U.S. Central Command after reviewing those agencies' productions (*Smedinghoff*, Dkt No. 90, ¶¶ 2, 4);

WHEREAS, on April 23, 2025, the Court ordered that the depositions of certain former government officials or employees noticed by the parties proceed via written questions (*Bonacasa*, Dkt. No. 163);

WHEREAS, the parties and the government have agreed to proceed with depositions of six former government officials by written question, being Jonathan Carpenter, Daniel Feldman, Lt. Gen. Michael D. Barbero, Lt. Gen. John D. Johnson, Lt. Gen. Michael H. Shields, and Dr. Robert G. Best;

WHEREAS, government counsel has represented that the government will make its best efforts to complete any classification review of the written responses of Jonathan Carpenter, Daniel Feldman, Lt. Gen. Michael D. Barbero, Lt. Gen. John D. Johnson, Lt. Gen. Michael H. Shields, and Dr. Robert G. Best by September 15, 2025;

WHEREAS, Plaintiffs' motion to compel deposition testimony from third-party Bank of America Corp. has been fully briefed and remains pending (*Bonacasa*, Dkt. No. 119);

WHEREAS, on May 12, 2025, the Court issued an Opinion and Order (*Bonacasa*, Dkt. No. 166) granting in part and denying in part Plaintiffs' Motion for *In Camera* Review and to Compel the Production of 25 Documents from SCB;

WHEREAS, Paragraph 13 of the Fourth Amended Civil Case Management Plan and Pretrial Scheduling Order requires the parties to submit this Proposed Fifth Amended Civil Case Management Plan and Pretrial Scheduling Order within thirty (30) days of the Court's May 12, 2025 Opinion and Order, to specify the dates for future case deadlines;

WHEREAS, SCB and Plaintiffs propose to the Court this Fifth Amended Civil Case Management Plan and Pretrial Scheduling Order, pursuant to Fed. R. Civ. P. 16 and 26(f);

NOW THEREFORE IT IS HEREBY ORDERED, upon good cause shown, that:

A. Discovery Deadlines

1. Documents obtained through third-party subpoenas and/or *Touhy* requests issued on or before February 7, 2025 shall be produced on a rolling basis promptly upon receipt.

Furthermore, the parties may produce documents after February 7, 2025 if required to fulfill their duty to supplement under Rule 26(e), or by agreement.

2. Unless otherwise agreed to by the parties or ordered by the Court, and except as provided in the next sentence regarding depositions of certain former government officials by written questions, non-expert depositions shall be completed **by July 11, 2025**.¹ For previously noticed depositions to be taken by written questions, all written questions shall be served by the parties **by July 11, 2025**, and the government shall make its best efforts to complete its classification review and provide written responses by **September 15, 2025**.
3. Depositions in the *Bonacasa* Coordinated Cases shall proceed concurrently. Non-noticing counsel may attend depositions but, absent leave of Court or agreement of the parties, may not ask questions or raise objections. The parties may avail themselves of any objection made by any other party properly in attendance at a deposition without the need to express its joinder in the objection. Absent Court order, and excluding depositions under Fed. R. Civ. P. 30(b)(6), no witness shall be deposed more than once. If multiple parties have noticed a deposition, the parties are directed, in good faith, to discuss time limits, including the need to go over the seven (7) hour time limit under Fed. R. Civ. P. 30(d)(1).
4. U.S. Department of Commerce and U.S. Central Command shall make their best efforts to complete production of documents in response to the parties' outstanding requests to that agency and component by **September 15, 2025**.
5. Except as otherwise provided herein, and except for any supplemental requests or searches requested by the parties within the scope of their *Touhy* requests to the National Ground Intelligence Center, the Defense Threat Reduction Agency, and U.S. Central Command, fact discovery shall be completed **by July 11, 2025**. The government reserves all rights, defenses, and objections to supplemental searches or requests, regardless of which party seeks them.
6. Requests to Admit, if any, shall be served no later than **August 11, 2025**.
7. Parties to designate expert witnesses pursuant to Rule 26(a)(2)(A) no later than **August 11, 2025**.
8. Expert reports shall be served no later than **November 14, 2025**.
9. Rebuttal expert reports shall be served no later than **January 15, 2026**.
10. U.S. Army Central shall make its best efforts to complete searches for and production of documents in response to Plaintiffs' requests by **February 28, 2026**, assuming no

¹ Except as otherwise agreed by the parties, ordered by the Court, or provided in the Stipulation and Order Regarding Plaintiffs' Depositions (*Bonacasa*, ECF No. 123), depositions shall be limited to non-expert witnesses whose depositions were noticed on or before February 7, 2025.

additional responsive records are located, or within 60 days thereafter if additional responsive records are located.

11. Supplemental expert reports, if any, solely addressing documents produced by U.S. Army Central after November 1, 2025 shall be served no later than **March 20, 2026**. Supplemental expert reports may be submitted only by experts who previously submitted reports pursuant to paragraphs 8 and 9.
12. Supplemental rebuttal expert reports, if any, solely addressing documents produced by U.S. Army Central after November 1, 2025 shall be served no later than **April 3, 2026**. Supplemental rebuttal expert reports may be submitted only by experts who previously submitted reports pursuant to paragraphs 8 and 9.
13. Expert depositions shall be completed by **April 17, 2026**.
14. **ALL DISCOVERY SHALL BE COMPLETED by April 17, 2026.**
15. The parties are required to attend a mediation by **May 22, 2026**.
16. All other provisions of the Scheduling Order remain in effect.

Dated: June 18, 2025

Respectfully submitted,

/s/ Daniel D. Duhaime

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SO ORDERED.

Dated: New York, New York

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Edgardo Ramos, U.S. District Judge